

## **EXHIBIT C**



FOLEY & LARDNER LLP

May 21, 2007

John C. Martin  
Pfizer, Inc.  
150 East 42<sup>nd</sup> Street, Mail Stop 49  
New York, New York 10017

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MAY 29 2007

LA JOLLA PATENT DEPT

Re: Forwarding of Client Mail

Dear Mr. Martin:

Enclosed please find mail recently received at Foley & Lardner, LLP relating to the matters outlined below. It has been determined that this information relates to the client who transferred their business to you. As a courtesy, we are forwarding this mail to your office. In order to avoid any confusion due to misdirected mail, we recommend that you notify the sender that you are the counsel representing the client and all future mailings should be addressed to Pfizer, Inc.

Client/Matter Name	Document(s) Description
US Patent Application 09/857,797; Filed 9/13/01; Our reference 017227/0175	Notice of Abandonment from the PTO; Dated 1/24/07; Received by Foley & Lardner LLP on 1/26/07

We have not copied any of the materials contained in these files. We are relying upon your representation that Foley & Lardner, LLP will have the right to review and copy these files in the future upon reasonable notice.

Please sign this letter within 20 days of receipt of this material and mail it to my attention or fax it to me at the number listed above. Your signature indicates:

1. You have received all the items listed on the index.
2. Pfizer, Inc. is now responsible for all further matters involving the subject case and that you will file a new power of attorney form with the PTO revoking all prior powers of attorney.

Thank you for your assistance in this matter. Please contact me if you have any questions.

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MADISON  
MILWAUKEE  
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TAMPA  
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WASHINGTON, D.C.

WASH\_1632727.4

ATTORNEYS AT LAW  
WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20007-5143  
202.672.5300 TEL  
202.672.5399 FAX  
[www.foley.com](http://www.foley.com)

WRITER'S DIRECT LINE  
202.672.5558  
[mburrell@foley.com](mailto:mburrell@foley.com) EMAIL

CLIENT/MATTER NUMBER  
999100-0160



FOLEY & LARDNER LLP Page 2

Sincerely,

Michael Burrell  
IP Records Supervisor

### NOTICE & ACKNOWLEDGEMENT OF FILE RECEIPT

The documents/client files described below are being sent to Pfizer, Inc., with this acknowledgement form. Please sign the form to acknowledgement receipt of the documents/client files. In addition, the sender, Foley & Lardner LLP, retains the right to view and copy any documents, client files and/or media containing electronic records or documents, that are served on you, as long as proper and reasonable notice is given to Pfizer, Inc.. Pfizer, Inc. is responsible for verifying the accuracy and completeness of data received from Foley & Lardner LLP by comparing it with each file before making any use of the data in connection with matters in which such accuracy and completeness could be of consequence, and agrees that Foley & Lardner LLP should not be held responsible for any use made of this data.

I agree with the statements listed above, and I received the following from Foley & Lardner, LLP:

1. Index of client mail transferred to Pfizer, Inc.
2. Original client mail for the matter listed above.

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Date this acknowledgement is signed:

*Janielle Sanchez*  
*(To be completed by the Recipient)*

LA JOLLA PATENT DEPT

*Janielle Sanchez*

*(Print Name of Person Acknowledging Receipt)*

*Janielle Sanchez*

*(Signature of Person Acknowledging Receipt)*

## Confirmation Report - Memory Send

Page : 001  
Date & Time: May-29-07 09:56am  
Line 1 : +8586788233  
Line 2 :  
Machine ID : pfizer la jolla

Job number : 882  
Date : May-29 09:55am  
To : 8912026725399  
Number of pages : 002  
Start time : May-29 09:55am  
End time : May-29 09:56am  
Pages sent : 002  
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Job number : 882                    \*\*\* SEND SUCCESSFUL \*\*\*



May 21, 2007

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ATTORNEYS AT LAW  
WASHINGTON HARBOUR  
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WASHINGTON, D.C. 20007-5143  
202.672.6800 TEL  
202.672.6399 FAX  
[www.foley.com](http://www.foley.com)

WRITER'S DIRECT LINE  
202.672.6856  
[mburrell@foley.com](mailto:mburrell@foley.com) EMAIL  
CLIENT/MATTER NUMBER  
999100-0160

Re: Forwarding of Client Mail

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# Foley & Lardner - LegalKEY

## Client/Matter File Index

5/21/2007 7:42:33PM

Client	Matter	Date Opened	Status	Folder Title	Folder Key	Location	Folder Barcode	Status	Comments
017227	0175	5/29/2001	ACTIVE	MAIL FORWARDED -	WASH CORRES2-0001	Washington Records	F6402161	A	

Notice of Abandonment from the PTO; Dated  
1/24/07; Received by Foley & Lardner LLP on  
1/26/07



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,797	09/13/2001	John Walker	017227-0175	9643
22428	7590	01/24/2007	EXAMINER	
FOLEY AND LARDNER LLP			KIM, YUNSOO	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			1644	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/857,797	<b>WALKER, JOHN</b>	
	Examiner Yunsoo Kim	Art Unit 1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 25 November 2005.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on 25 May 2006 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

As Applicants' reply filed on 5/25/06 does not constitute a proper reply and a notice to non-compliant amendment has been sent on 6/2/06. Confirmed with Mr. J. Martin that no reply has been filed to the notice to non-compliant amendment on 1/17/07

CHRISTINA CHAN

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## **EXHIBIT D**

**Donahue, Victor**

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**From:** Donahue, Victor  
**Sent:** Thursday, August 02, 2007 3:40 PM  
**To:** Zajac, Justyna  
**Subject:** EFR hunt

J:

For PC22141 and 22142, please check in EFR as to any recent (6 month) office actions for EP, Japan and USA. You may ignore EP-22142 as I am working on that today.

I have a feeling office actions have been issued that have not popped up in my EFR in-box. Thank you.

E. Victor Donahue, Ph.D.  
Senior Corporate Counsel  
Pfizer Inc.  
150 East 42nd Street, 5th floor, mailstop 150-5-49  
New York, NY 10017  
(212) 733-2739 (phone)  
(212) 573-1939 (fax)  
[victor.donahue@pfizer.com](mailto:victor.donahue@pfizer.com)

**Donahue, Victor**

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**From:** Donahue, Victor  
**Sent:** Friday, October 12, 2007 1:41 PM  
**To:** Zajac, Justyna  
**Subject:** status-recheck

J:

Please recheck EFR and PAIR that there is not a pending office action in PC22141A (I hope there is not also a "B") for USA that needs a response. We are well overdue for the PTO to send us one, thanks, V

E. Victor Donahue, Ph.D.  
Senior Corporate Counsel  
Pfizer Inc.  
150 East 42nd Street, 5th floor, mailstop 150-5-49  
New York, NY 10017  
(212) 733-2739 (phone)  
(212) 573-1939 (fax)  
[victor.donahue@pfizer.com](mailto:victor.donahue@pfizer.com)